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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/666,325 09/21/00 ARMBRUST

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028211  
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MM91/1017

EXAMINER

KANG, T.	ART UNIT	PAPER NUMBER
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2011  
**DATE MAILED:**

10/17/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/666,325	ARMBRUST ET AL.
	Examiner	Art Unit
	Donghee Kang	2811

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 27 August 2001.

2a) This action is **FINAL**.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 15-34 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 15-34 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) Notice of References Cited (PTO-892)      4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)      5) Notice of Informal Patent Application (PTO-152)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.

6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Acknowledgement***

1. Applicant's Response to Paper No.8 has been entered and made of Record. In this office action, claims 15-34 are pending.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 15-18, 21-24, & 27-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Filipiak et al (US 5,447,887).

Regarding claims 15-16, Filipiak et al discloses a semiconductor device comprising (Fig.5):

a first level of silicide free copper (30); and an uppermost layer (32) of copper, wherein a top of uppermost layer comprises a silicide surface. Filipiak et al does not explicitly teach the copper layer is a bonding pad. An increase in circuit density corresponds to a decrease in conductor dimensions which leads to higher resistances and current densities which increase the signal losses and promote electromigration damage to the conductors on the electronic devices and packages. These problems can be solved using a copper metal because of it's good electrical conductivity as known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to use the copper interconnect layer as a bonding pad in IC device, since the metal copper has a very good electrical conductivity.

Regarding claims 17, Filipiak et al discloses substantially the entire claimed structure, as applied to claim 15 above, except for the method of cleaning of uppermost layer by applying one of the ammonia plasma and the hydrogen plasma. This is a product-by-process limitation. "Even though product-by-process claims are limited by and defined by the process, determination of patentability is based on the product itself. The patentability of a product does not depend on its method of production.

If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process". In re Thorpe, 777F. 2d 695,698 USPQ 964, 966 (Fed. Cir. 1985). See also MPEP 2113. Moreover, an old or obvious product produced by a new method is not a patentable product, whether claim in "product by process" claim or not.

Regarding claims 18, Filipiak et al discloses all claimed structure, as applied to claim 15 above, except for the silicide thickness which is in the range 10 % to 20 % of the total thickness of the copper interconnect layer. However, Filipiak et al mentioned the thickness of silicide can be changed depend on the application of device. See *Col.5, line 63 – Col.6, line 6*. It would have been obvious in the art at the time the invention was made to select the thickness of silicide layer, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. In re Aller, 105 USPQ 233.

Regarding claims 21-23, 27-31, Filipiak et al discloses a semiconductor device comprising (Fig.5):

an exterior surface having a silicide layer; and an interior having a copper layer, wherein the silicide layer comprises a bonding pad. Filipiak et al does not teach the silicide thickness which is in the range 10 % to 20 % of the total thickness of the copper interconnect layer. However, Filipiak et al mentioned the thickness of silicide can be changed depend on the application of device. See Col.5, line 63 – Col.6, line 6. It would have been obvious in the art at the time the invention was made to select the thickness of silicide layer, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

Regarding claims 24 & 32, Filipiak et al discloses all claimed structure except for the method of cleaning of uppermost layer by applying one of the ammonia plasma and the hydrogen plasma. This is a product-by-process limitation. “Even though product-by-process claims are limited by and defined by the process, determination of patentability is based on the product itself. The patentability of a product does not depend on its method of production.

If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior the prior product was made by a different process”. *In re Thorpe*, 777F. 2d 695,698 USPQ 964, 966 (Fed. Cir. 1985). See also MPEP 2113. Moreover, an old or obvious product produced

by a new method is not a patentable product, whether claim in "product by process" claim or not.

4. Claims 19-20, 25-26, & 33-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Filipiak et al in view of Dass et al (US 6,046,101).

Filiapiak et al teaches all claimed structure, as applied to claims 15, 21, & 29 above, except for tin solder terminal electrically connected to bonding pad.

However, Dass et al teaches in Fig.21 the solder terminal (270) connected to bonding pad and a silicon nitride (245) including an opening. It would have been obvious to one of ordinary skill in the art at the time the invention was made to form the solder terminal in order to facilitate electrical connection of the semiconductor structure with an external connector, such as modulator package substrate.

#### ***Response to Arguments***

5. Applicant's arguments filed August 27, 2001 have been fully considered but they are not persuasive.

The applicant argues that it has not been shown where Filipiak et al. teach or suggest the 10 % - 20 % of the copper layer is the silicide layer. These matters have been pointed out in the statement of rejection in the paragraph above with respect to claims 18, 21, & 29. Filipiak et al teach that some applications may find benefit from siliciding the entire thickness of a copper member (**Col.6, lines 5-6**). Further, it would have been obvious in the art at the time the invention was made to select the thickness

of silicide layer, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

6. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donghee Kang whose telephone number is 703-305-9147. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Thomas can be reached on 703-308-2772. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

*Tom Thomas*  
TOM THOMAS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800

Donghee Kang, Ph.D  
October 13, 2001